

ADOPTED

JUNE 14, 1990

## MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY AND  
STEPHEN COYLE, DIRECTOR

FROM: HOMER RUSSELL, ASSISTANT DIRECTOR OF URBAN DESIGN  
AND DEVELOPMENT  
LINDA BOURQUE, ASSISTANT DIRECTOR OF NEIGHBORHOOD  
PLANNING AND ZONING  
ERIC SCHMIDT, DIRECTOR OF URBAN DESIGN

SUBJECT: LEATHER DISTRICT PLAN AND LEATHER DISTRICT ZONING

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SUMMARY: A public hearing on The Leather District Plan, Article 44 of the Boston Zoning Code, was held by the Board on May 31, 1990. Residents, businesspeople, and property owners spoke in support of both the Plan and the Proposed Zoning; no opposition was expressed. During the public review period, scheduled to end on June 13, staff have worked with representatives of the Leather District to revise Section 44-10(1), "Housing Priority Area." It appears in revised form in the attached document, Article 44, Leather District, which has the support of the community. Staff recommends the Board vote to authorize the Director to petition the Zoning Commission to adopt Article 44, which petition will follow review of the document by the Boston Civic Design Commission.

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The Leather District is a ten-block area bordered on the west by the Surface Artery, on the north by Essex Street, on the east by Atlantic Avenue, and on the south by Kneeland Street. It is located between Chinatown and the South Station Economic Development Area, both of which have recently received BRA and Zoning Board approval of permanent zoning. The Leather District Plan and Zoning -- Article 44 of the Boston Zoning Code -- ensure the preservation of the neighborhood's historic character, protect and further promote the current mix of uses in its 19th century warehouse buildings, encourage active pedestrian uses of the District, and ensure that new development in the area is compatible with existing buildings and reflects a human scale.



The Zoning permits modest development within the neighborhood on vacant or under-utilized sites, of which very few exist today. It establishes design guidelines and regulations to manage the development of rooftop additions and rooftop mechanical units. The Zoning allows development vertically to a height of eighty (80) feet (enhanced to one hundred (100) feet)) with a permitted floor area ratio (FAR) of up to six (6) (enhanced to 8). These limits can be reached either through new building construction, or the installation of rooftop additions. The enhanced limits require the developer to submit to the Article 31 review process.

Use controls seek to reinforce existing uses in the District. Day care is a requirement for large developments, as is the provision of residential space. The Housing Priority provision, Section 44-10(1), requires that Proposed Projects over 10,000 square feet and involving new construction or changed use, reserve 25% of the gross floor area for housing. Proposed projects involving rehabilitation of existing buildings with total gross floor areas of 10,000 to 45,000, where the cost of the rehabilitation is equal to or greater than 50% of the latest assessed value of the building, must comply with the housing requirement. Rehabilitation projects in larger buildings -- those with total gross floor area of 45,001 square feet or more -- need only complete rehabilitation projects whose value is equal to or greater than 25% of the latest assessed value of the building to "trigger" the housing requirement. (This distinction between small and large buildings reflects the reality that construction costs and market forces provide disincentives for creation of residential space in larger buildings). Conditional and forbidden use provisions limit uses that are incompatible with the District today.

An appropriate vote follows:

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

VOTED: That the Boston Redevelopment Authority hereby authorizes the Director to petition the Zoning Commission to adopt the proposed text amendment, Article 44, and map amendments establishing Article 44 in the Zoning Code as permanent zoning for the Leather District, in substantial accord with the text and map amendments submitted to the BRA on June 14, 1990, said petition to be made following review by the Boston Civic Design Commission.



TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows.

By inserting, after Article 43, the following article:

**ARTICLE 44  
LEATHER DISTRICT**

**SECTION 44-1. Statement of Purpose, Goals and Objectives.** The purpose of this article is to establish the zoning regulations for the comprehensive plan for the Leather District as required by the provisions of the Downtown Interim Planning Overlay District, Article 27D of this code. The goals and objectives of this article and the Leather District Plan are to preserve the historic and architectural character of the Leather District; to promote the mixed residential, office, studio, retail and service uses of the Leather District; and to ensure that new development is compatible with existing buildings in scale, design and choice of building and decorative materials.

**SECTION 44-2. Recognition of the Leather District Plan.** In accordance with Section 27D-18 of this code, which requires production of comprehensive planning policies, development controls, and design guidelines for Special Study Areas in the Downtown Interim Planning Overlay District, including the Leather District (Special Study Area No. 9), the Zoning Commission hereby recognizes the Leather District Plan as the general plan for the Leather District. The Leather District Plan shall also serve as the portion of the general plan for the City of Boston



applicable to the Leather District. This Article is one of the means of implementing the Leather District Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 44-3. Physical Boundaries. The provisions of this Article are applicable only in the Leather District. The boundaries of the Leather District are as shown on a map entitled, "Map 1G - Leather District (supplemental to 'Map 1 Boston Proper')" of the series of maps entitled "Zoning Districts - City of Boston," as amended.

SECTION 44-4. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the Leather District and applies as specified in Section 4-1 regarding the conformity of structures and land to this Code. Exceptions to the provisions of this Article, pursuant to Article 6A, shall not be available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27D to the Leather District is rescinded on the effective date of this Article, except as provided below. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. For the Leather District except where specifically otherwise indicated in this Article, the provisions of this Article supersede Article 8 (except Section 8-6), Article 13 (except Section 13-3), and Articles 14 through 24, inclusive, of this Code. The following Proposed Projects, however, are exempt from the provisions of this Article, and are governed by the rest of this Code, including Article 27D:

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article and for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.

SECTION 44-5. As-of-Right Building Height and Floor Area Ratio. A Proposed Project within the Leather District is allowed an as-of-right building height of eighty (80) feet and a floor area ratio (FAR) of 6; provided that, any Proposed Project shall have an as-of-right building height of one hundred (100) feet and an as-of-right FAR of eight (8), if such Proposed Project is subject to or elects to comply with the provisions of Article 31, Development Review Requirements, and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31.

SECTION 44-6. Rooftop Additions within the Leather District. No roof structure designed or used for human occupancy, access, mechanical systems, or storage shall be erected or enlarged on the roof of any building within the Leather District, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4 the Board of Appeal grants permission therefor. In reaching its decision, said Board shall consider whether such roof structure is



architecturally consistent with the distinctive historical and architectural character of the Leather District Protection Area. Rooftop additions that align with masonry walls of existing structures should extend masonry materials. Elsewhere, they should use metal and glass wall systems. Materials such as stucco and Glass Fibre Reinforced Concrete (GFRC) are prohibited. The Board of Appeal shall not grant any such appeal for a roof structure that is visible from any point on any public way within the District, as indicated on Map A, except that rooftop additions visible from a public way via a sight line down a private way are permissible, with the approval of the Board of Appeal. The Inspectional Services Department shall transmit a copy of the appeal for the conditional use to the Boston Landmarks Commission. The Boston Landmarks Commission may, within thirty days after the date of such transmittal, file with the Board of Appeal a recommendation, provided that if no such recommendation is received within said thirty days, the Board of Appeal may render its decision without such recommendation.

**SECTION 44-7. Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, all Proposed Projects within the Leather District shall comply with the specific design requirements established in this section. The provisions of Article 6A shall be applicable to the provisions of this Section 44-7.

1. **Street Wall Continuity.** A Street Wall of any Proposed Project shall be built to be coextensive with the building line on any street identified in Table B, as defined in clause 7A of Section 2-1, of the block on which the Street Wall faces. If there is no determinable building line of said block, then said Street Wall shall be built at a depth from the Curb Line equal to that of the



building line farthest from the curb line of the two blocks adjacent to said block, facing onto the same street. If there is no determinable building line of either of said adjacent blocks, then (i) if the Proposed Project is subject to or elects to comply with the development review provisions of Article 31, an appropriate Street Wall location shall be determined in the development review process or (ii) otherwise, notwithstanding any contrary revision of Section 31-4, the Proposed Project shall be deemed subject to the development review provisions of Article 31 for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Subsection 44-7.1, Street Walls shall be continuous across a lot. However, design articulation involving deviations from the Street Wall Plane of two (2) feet or less shall be permitted across the Street Wall. For Proposed Projects neither subject to nor electing to comply with the development review requirements of Article 31, recesses in Street Walls shall be permitted as set forth in Table A of this Section or as may be required under law to provide access to physically handicapped individuals. For Proposed Projects which are subject to or elect to comply with the development review requirements of Article 31, recesses shall be permitted if appropriate to the creation of visually interesting designs, or if necessary to accommodate access to handicapped individuals or to accommodate a specific ground level function, such as a hotel or residential carriageway, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the urban design provisions of Article 31.



**TABLE A**

**PERMITTED STREET WALL RECESSES**

| <u>Location</u>                      | <u>Maximum Depth from<br/>the Street Wall Plane</u> | <u>Maximum Aggregate<br/>Surface Area</u> |
|--------------------------------------|-----------------------------------------------------|-------------------------------------------|
| Below Ground Floor<br>Ceiling Height | Ten (10) feet                                       | Fifty percent (50%)                       |
| Above Ground Floor<br>Ceiling Height | Ten (10) feet                                       | Fifty percent (50%)                       |
|                                      | Fifteen (15) feet                                   | Thirty percent (30%)                      |

The "maximum aggregate surface area" means the portion, expressed as a percentage, of the surface area of the specified part of the Street Wall Plane (i.e., above or below the ground floor ceiling height) affected by recesses. The areas within which recesses are permitted are not cumulative; i.e., the maximum aggregate surface area that may be affected by recesses, whether of 10 or 15 feet, is 50%.

2. **Street Wall Height.** The Street Wall Height of Proposed Projects within the Leather District shall not exceed eighty (80) feet or the Modal Street Wall Height, whichever is less. The endwall of a street which is a cul-de-sac does not count as a Street Wall for the purposes of this Section 44-7.
  
3. **Display Window Area Regulations.** The provisions of this Subsection 3 apply only to Proposed Projects with gross floor areas of 50,000 square feet or more and only to Street Walls facing Atlantic Avenue, Surface Artery Street, Kneeland Street, Essex Street, Lincoln Street, Beach Street, East Street, Tufts Street, and South Street. The Display Window Area, excluding any portion occupied by a permitted Lobby Entrance Area or entrance/exit to an off-street parking or loading area, shall be sufficiently and appropriately glazed and transparent, with sufficient individual storefront entrances, to encourage active pedestrian use, as certified by the Boston Redevelopment Authority in accordance with the urban design provisions of Article 31.



Glazed portions of the Display Window Area, excluding storefront entrances and Lobby Entrance Areas, shall be used to a depth of at least two (2) feet for: (i) the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements. However, the provisions of the preceding sentence do not apply to foyer space for cultural uses, restaurants, or other active storefront uses.

4. **Setback and Floorplate Requirements.**

- (a) Sky Plane Setbacks. Other than decorative cornices and other surface ornamentation, any portion of a Proposed Project for new construction (including, but not limited to, mechanical equipment and not including rooftop additions), which portion faces a street listed in Table B of this article, shall be set back by not less than fifteen (15) feet.

**TABLE B**

**STREETS ON WHICH SKY PLANE SETBACKS ARE REQUIRED**

|                |                       |
|----------------|-----------------------|
| Lincoln Street | Atlantic Avenue       |
| Beach Street   | Surface Artery Street |
| East Street    | Kneeland Street       |
| Tufts Street   | Essex Street          |
| South Street   |                       |

The Sky Plane Setback provisions established in this subsection are not applicable to the extent that, as a consequence of such provisions, the maximum possible gross floor area for any floor of a Proposed Project would be less than 50% of the gross floor area of the highest occupied floor below the Street Wall Height for projects on Corner Parcels, and 66% of the gross floor area of the highest occupied floor below the Street Wall Height for projects on parcels within the block.



SECTION 44-8. Leather District Design Guidelines. Within the Leather District, any Proposed Project for:

- (a) A rooftop addition that is not visible from a street indicated on Map A;
- (b) the erection of a new building, addition or extension to an existing building;
- (c) exterior alteration affecting more than five hundred square feet of the Street Wall Facade of an existing building above the Ground Floor Ceiling Height;
- (d) exterior alteration changing the cornice line, height of the Street Wall or Building Height of an existing building

shall proceed only if the Boston Redevelopment Authority finds that the Proposed Project is consistent with the standards and design guidelines specified in this Section.

1. **Procedure for Approval of Proposed Project.** Each application for a permit for a Proposed Project subject to the provisions of this section shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copies as follows: one to the Boston Redevelopment Authority and the other to the Boston Landmarks Commission. The Boston Landmarks Commission may, within thirty days after the date of such transmittal, file with the Boston Redevelopment Authority a report with recommendations, together with material, maps, or plans to aid the Boston Redevelopment Authority in determining consistency with the standards for approval set forth in this section. The Boston



Redevelopment Authority shall not notify the Inspectional Services Department of its findings on the application for a Proposed Project until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Boston Redevelopment Authority may certify to the Inspectional Services Department its findings without such report. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the standards set forth in this Section or is not consistent with the standards set forth in this Section; provided that if no such findings are transmitted to the Inspectional Services Department within forty-five days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the standards set forth in this section without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section may appeal to the Board of Appeal within forty-five (45) days after such denial for a permit, in accordance with the provisions of Article 6.

2. **Design Guidelines.** In reaching its decision, the Boston Redevelopment Authority shall consider whether the Proposed Project is consistent with the design guidelines herein and the District's historic character and current mixed residential, office, artists' studio, retail and service uses. In addition, the Boston Redevelopment Authority shall consider whether the Proposed Project meets the following special design considerations, which are intended as recommended guidelines, and original alternatives will be considered, provided they meet the same goals and undergo a public review process.



- (a) Historic Building Facades. Historic Buildings should be renovated rather than replaced, and existing facades must be used, if reasonably possible, so as to maintain the historic architectural contribution of the district. Existing facade fenestration should be retained and/or restored. In the event that restoration is not possible, replacement units should replicate the essential architectural characteristics of the existing windows, such as mullion depth and width, color, and predominant shadow lines.
- (b) Compatibility with Historic Context. New buildings, rooftop additions, and facade renovations should be designed such that the exterior proportions, scale, massing, window treatment, materials, colors, and architectural detailing are compatible with the observable architectural character of the existing late 19th century masonry warehouse structures in the Leather District. To preserve a lot-by-lot appearance, facade ornamentation should be varied, and facades should be divided into modules to reflect the lot width established by Historic Buildings within the Leather District, and to continue the established rhythm of each block.
- (c) Base to Height Ratio. Proposed Projects should be consistent with the Leather District's conglomeration of small building masses which meet the streets with discretely organized facades, each of which contains local symmetries and other ordering principles. Vertically oriented facades, typical but not exclusive in the district, are encouraged.



- (d) Storefront Details and Signage. Granite storefront details should be preserved and restored. Cast iron storefront details and flush painted signs are encouraged.
- (e) Recessed Store Entrances. For all new buildings with a building height of sixty (60) feet or more, entrances to Ground Level Uses should be recessed in a manner consistent with traditional storefront entrances in the Leather District.
- (f) Base and First Floor Cornice Line. New development should have a pronounced cornice line or belt course separating the ground floor from the upper floors and should create a visually strong base.
- (g) Upper Cornice. New structures should have pronounced upper cornices which are consistent with upper cornices on existing structures and which create a sense of finality to the building's top. Typical cornice materials, such as masonry/stone, or copper should be used.
- (h) Solid to Void Ratios. Solid to void ratios should emphasize the strong vertical and horizontal patterns that are characteristic of historic architecture in the district.
- (i) Windows which recede from the face of the building, arched windows or window heads, and windows accented by lintels and sills are encouraged to the extent that they are consistent with and reinforce the architectural and historic character of the District. Large,

undifferentiated panes of glass are not appropriate except for storefronts. New masonry window openings in existing buildings are discouraged, particularly to the extent that they are incompatible with the character of the traditional building facades in the District.

- (j) Rooftop Mechanical Units. Rooftop mechanical units must be located so as not to be visible from a public way within the District as indicated on Map A, except that units which are visible from a public way via a sight line down a private way are permissible, with approval of the Board of Appeal.
- (k) Building Materials. Primary building materials should be masonry, including brick, limestone, terra cotta, sandstone, and granite. New materials (e.g., architectural precast concrete) should be consistent in surface texture and color with existing traditional materials.

**SECTION 44-9. Establishment of Planned Development Areas Prohibited.**

Establishment of Planned Development Areas, as described in Section 3-1A.a, is prohibited in the Leather District.

**SECTION 44-10. Leather District Use Regulations.** In the Leather District, the use of land and structures is regulated as provided in this Section. The provisions of Article 8 apply only as specified in this Section, except that Section 8-6 applies. No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the provisions of this Section 44-10.



1. **Housing Priority Area.** Notwithstanding any other provision of this Article to the contrary, within the Leather District for any Proposed Project which has more than ten thousand (10,000) square feet and which involves new construction or change in the use of a building, a minimum of one (1) square foot of gross floor area shall be devoted to Residential Uses allowed under Section 44.8 for every three (3) square feet of gross floor area of the Proposed Project not devoted to such Residential Uses. For any Proposed Project involving rehabilitation of an existing structure, the Housing Priority Area regulation applies if the conditions listed in Table C of this Section are met. The Housing Priority Area regulation does not apply to the ground floor level or to any space devoted to Cultural Uses, uses accessory to Cultural Uses, or space devoted to community services.
  
2. **Inclusion of Day Care Facilities.** The provisions of this Section apply only to Proposed Projects which exceed a building height of eighty (80) feet, or an FAR of six (6), or both. Any Proposed Project having a gross floor area (not including the floor area devoted to Residential Uses, Community Uses, or Cultural Uses, as those uses are described in Subsection 4 of this Section), which equals or exceeds one hundred thousand (100,000) square feet, shall devote to day care facilities an amount of floor area equal to the amount listed below in Table D of this Section. For the purposes of this Subsection and Table C only, floor area devoted exclusively to hotel uses shall be multiplied by 0.5 before being used in the calculation of required day care facilities. An Applicant for a Proposed Project subject to the provisions of this Subsection may fulfill its obligations under this Subsection by (a) creating such facilities on-site; or (b) creating such



facilities, or causing such facilities to be created, in the vicinity of the Proposed Project, within the Leather District, the South Station Economic Development Area, or Chinatown. Any Proposed Project subject to the provisions of this Subsection shall devote to on-site day care facilities an amount of floor area equal to at least four thousand (4,000) square feet or the minimum required square footage, whichever is less. The provision of day care facilities in accordance with this Subsection shall be in conformity with written regulations to be adopted by the Boston Redevelopment Authority after public notice and hearing. For the purposes of this paragraph, the term "day care facilities" includes the finish, furnishings, and equipment required for use of the floor area for such facilities, to enroll people for care, instruction, or recreation during regular business hours.

**TABLE C**

The Housing Priority Area regulation applies to Proposed Projects in:

| Buildings with gross floor areas<br>(including basement floors) of: | If the ratio of rehabilitation cost<br>to latest assessed value of the<br>entire building is: |
|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 10,000-45,000 sq.ft.                                                | 1/2                                                                                           |
| over 45,001 sq.ft.                                                  | 1/4                                                                                           |

**TABLE D**

**PROVISION OF DAY CARE FACILITIES**

| <u>Size of Proposed Project<br/>(Gross Floor Area)</u> | <u>Minimum Day Care Facilities<br/>(Gross Floor Area)</u> |
|--------------------------------------------------------|-----------------------------------------------------------|
| 100,000 up to 200,000 s.f.                             | 2% of gross floor area                                    |
| 200,001 up to 500,000 s.f.                             | 4,000 s.f.                                                |
| 500,001 up to 1,000,000 s.f.                           | 8,000 s.f.                                                |
| More than 1,000,000 s.f.                               | 12,000 s.f.                                               |



3. **Ground Level Uses in the Leather District.** Within a Proposed Project, uses with street frontage on Atlantic, Beach, East, Essex, Kneeland, Lincoln, South, Surface Artery, or Tufts Streets, either located on the ground level or entered by stairs from a sidewalk entry are limited to the permissible Ground Level Uses, as listed in Appendix A to this Article. A display window physically contiguous to a Ground Level Use or with exhibits or displays operated and maintained by an occupant of the building in which said window is located, is allowed as a Ground Level Use. All other uses with street frontage which are otherwise allowed by this Section 44-10 are conditional uses when located on the ground level or entered by stairs from a sidewalk entry.

4. **Allowed Uses.** No land or structure in the Leather District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use not specified in this Subsection 4, or in Subsection 5, which sets forth "Conditional Uses," and subject to the procedural requirements set forth in Article 6. Any use so specified in this Subsection 4 shall be allowed as a matter of right, subject only to the provisions of this Section 44-10 including, without limitation, Subsections 1, 2, and 3 hereof.

(a) **Residential Uses.** Limited to multifamily dwelling, lodging or boarding house, or temporary housing shelters. Residential uses include any Affordable dwelling units, including but not limited to Affordable dwelling units which are rental units, condominiums, or limited equity share cooperatives.

- (b) Restaurant Uses. Limited to the service or sale of food or drink for on-premises consumption, or for sale over the counter, not wholly incidental to a local retail business or restaurant use, of on-premises prepared food or drink for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out, provided that, uses described in use item 38A are forbidden.
- (c) Cultural and Entertainment Uses. Library or museum open to the general public, gallery, (nonprofit or for profit) concert hall, legitimate theater (commercial or nonprofit) including motion picture or video theater, but not drive-in theater; auditorium, performance space, artist's studio, music or performance practice spaces.
- (d) Office Uses. Limited to business or professional offices; clinics; real estate, insurance, or other agency or government office; office building; post office; or bank (other than drive-in bank) or similar establishment.
- (e) Hotel Uses.
- (f) Group Care Residence, limited, as defined by clause 22B of Section 2-1, provided that: (a) no limited group care residence is within 1,000 feet of another limited group care residence; and (b) a cooperation agreement exists relating to the location and operation of such facilities between the Boston Redevelopment Authority, the City of Boston, and the agency of the Commonwealth operating, licensing, or regulating such facilities.



- (g) Community Uses. Day care center, family care center, nursery school, kindergarten, elementary or secondary school, community health center or clinic; community center, settlement house, or community service facility.
- (h) Recreational Uses. Limited to private grounds for games and sports; other social, recreational, or sports center conducted for profit; private club operated for members only (including quarters of fraternal or sororal organizations); or adult education center.
- (i) Public Service Uses. Limited to public service pumping station, sub-station, automatic telephone exchange, fire station or police station, subject to St. 1956, c. 665, s. 2.
- (j) Wholesale Uses. Limited to office or display or sales space of a wholesale, jobbing, or distributing house; and provided that not more than twenty-five percent (25%) of gross floor area devoted to this purpose is used for assembling, packaging, and storing merchandise.
- (k) Service Uses. Limited to video or film production studio; barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; tailor shop; hand laundry; dry-cleaning shop; framer's studio; caterer's establishment; photographer's studio; printing plant; taxidermist's shop; upholster's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair

shop; funeral home; undertaker's establishment; mortuary; research laboratory; radio or television studio; animal hospital or clinic; kennel; or similar use provided that in laundries and cleaning establishments, only nonflammable solvents are used for cleaning.

- (l) General Retail Uses. Department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage.
- (m) Local Retail Uses. Store primarily serving the local retail business or service needs of the neighborhood including, but not limited to store retailing one of the following: food, baked goods, groceries, packaged alcoholic beverages, drugs, tobacco products, clothing, dry goods, books, flowers, paint and other artist's supplies, hardware and other minor household appliances, furniture, books, and photographic equipment.
- (n) Institutional Uses. Limited to place of worship, monastery, convent, or parish house; elderly care facility; or clinic or professional offices accessory to a hospital or sanatorium, nursing or rest home, orphanage, or similar institution not for correctional purposes.
- (o) Accessory Uses subject to the limitations and restrictions of Article 10, limited to: a garage or parking space for occupants, employees, students, and visitors, provided that such use is accessory to a residential use, a hotel, a group care residence, or a dormitory,



fraternity, or sorority house; a swimming pool or tennis court; the storage of flammable liquids and gases incidental to a lawful use; the manufacture, assembly, or packaging of products sold on the lot.

- (p) Light Manufacturing Uses. Limited to the design, development, packaging, assembly, repairing, servicing, renting, testing, fabrication or handling of products including the following, provided that all machinery and equipment shall be so installed and maintained, and all activity in connection with such use shall be so conducted, in such manner that noise, smoke, dust, odor, and all other similar objectionable factors shall not cause a nuisance or injury to other persons in the vicinity:
1. ceramic products, including pottery and glazed tile;
  2. electronic and communication products, including, but not limited to, computer equipment, sound equipment, and household appliances;
  3. instruments for engineering, medical, dental, scientific, photographic, optical, or other similar professional use;
  4. furniture or musical instrument production;
  5. photographic supplies;
  6. supplies related to printing or engraving;

7. garment assembly and alteration;
  8. distribution of paper products, plumbing and interior decorating supplies and equipment;
  9. leather cutting and/or assembly, but not leather tanning or coloring.
5. **Conditional Uses.** No land or structure in the Leather District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use under the provisions of Article 6 unless such use is specified in this Subsection 44-10.5. The granting of a permit for any use so specified may be authorized conditionally by the Board of Appeal acting under the provisions of Article 6, subject to the regulations set forth in this Section 44-10.
- (a) Group Care Residence. Unless otherwise allowed pursuant to paragraph 4(f) of this section.
  - (b) Parking. Parking lot or parking garage except for accessory uses permitted under Section 4(o).
  - (c) Fast Food Restaurant Uses. Limited to sale over the counter, not wholly incidental to a use listed under paragraph 4(b) or 4(l) of this section, of on-premises prepared food or drink for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out.



- (d) Vehicle Rental Uses. Rental motor vehicle and trailer agency accessory to a hotel or motel, provided that no rental vehicles or trailers are parked on the street and that exterior lighting is arranged to shine downward and away from residences.
- (e) Transportation Uses. Limited to bus terminal, bus station, subway station or railroad passenger station, airline shuttle service.
- (f) Institutional Uses. Limited to college or university granting degrees by authority of the Commonwealth; trade, professional, or other school; machine shop or other noisy activity accessory to a school, college, or university adequately sound-insulated to protect the neighborhood from unnecessary noise; library or museum not open to the general public, hospital, sanitarium or clinic or professional office accessory to a hospital or sanitarium and located on the same lot.
- (g) Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and for which it would be a lawful accessory use if it were on the same lot; provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.
- (h) The change of use of any allowed residential use to any other use.

6. **Forbidden Uses.** No land or structure in the Leather District shall be erected, used or arranged or designed to be used, in whole or in part, for any use described in Use Item 34A and 38A or if such use is not specified in Sections 44-10.3 and 44-10.4 as an allowed or conditional use, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9.

SECTION 44-11. **Off-Street Parking.** Within the Leather District, off-street parking facilities are not required in any Proposed Project, except for Proposed Projects for new construction and including residential uses, in which one (1) space shall be provided for each dwelling unit. The provisions of Article 23-8, 23-9, and 23-10 shall govern any Proposed Project in the Leather District for which off-street parking is required.

SECTION 44-12. **Off-Street Loading.** Within the Leather District, Article 24 provides the regulations governing the provision and design of off-street loading facilities for the use of any structure or land not subject to the provisions of Article 31, Development Review Requirements. Where a use specified in this article is not included in any use item number listed in Article 24, off-street loading facilities shall be provided in accordance with the requirements for the use item number listed in Article 24 which is most similar to such use. The provision and design of off-street loading facilities for the use of any structure or land which is subject to the provisions of Article 31 shall be determined through the Development Review Requirements process, and mitigative measures, as appropriate, shall be required through the Development Review Requirements



process to minimize the deleterious effects of any off-street loading facilities on adjacent properties.

SECTION 44-13 Regulations. The Boston Redevelopment Authority may promulgate and amend from time to time regulations to administer this Article.

SECTION 44-14. Severability. The provisions and requirements of this Article are severable, and if any such requirements or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this Article.

SECTION 44-15. Definitions. Words and phrases defined in Appendix B to this Article, when capitalized in this Article, shall have the meanings set forth in said Appendix B.

SECTION 44-16. Appendices. The following appendices are attached to and are hereby made part of this article:

1. Appendix A - Ground Level Uses
2. Appendix B - Definitions

## APPENDIX A to ARTICLE 44

### Ground Level Uses

1. The following uses are Ground Level Uses, and are allowed uses within the Leather District, provided that the uses described in Use Items No. 34A and No. 38A are forbidden. This list is intended to be illustrative of ground level uses and not exclusive.

Antique stores  
Appliances, repair shops  
Appliances, sales  
Art galleries, commercial and non-profit  
Art metal craft shops  
Art needle work shops  
Artists' supply and music stores  
Athletic goods stores  
Auditoriums  
Bakeries or pastry shops  
Bank branch offices  
Bank machines, provided that the ground level street frontage of a bank facility containing only bank machines is limited to twenty (20) feet  
Barber shops  
Beauty parlors  
Bicycle stores, rental or repair  
Book stores or card stores  
Cafes  
Candy stores  
Carpet, rugs, linoleum, or other floor covering stores  
Churches  
Cigar stores  
Clock or watch stores, or repair shops  
Clothing retail establishments  
Clothing stores (men's, women's, children's apparel)  
Clubs, noncommercial  
Coffee shops  
Coin stores  
Community centers  
Costume rental establishments  
Dance halls, public  
Day Care Centers  
Delicatessen stores  
Department stores  
Diners  
Dressmaking shops, custom  
Drug stores  
Dry cleaning establishments or laundromats  
Dry goods or fabric stores  
Eating or drinking places  
Electronic, video or audio sales or repair



## APPENDIX A (continued)

Entrance/exit to off-street parking or loading area provided that it occupies not more than thirty (30) feet of ground level street frontage.  
Entrance/exit to public transit facilities  
Fabric or yarn store  
Fire Stations  
Fishing tackle or equipment stores, or rental establishments  
Florist shops  
Food stores, including supermarkets, produce and grocery stores, markets, health foods, delicatessens, prepared food/special food, spices and herbs, coffees, teas, meat, fish, poultry, and cheese stores  
Furniture stores  
Furrier shops, custom  
Gift shops  
Hair products for headwear  
Hardware stores  
Health club or gym (only a Lobby Entrance Area not occupying more than twenty (20) feet of ground level street frontage.  
Historical exhibits, open to the public generally  
Hobby shops  
Hotel or motel (only a Lobby Entrance Area not occupying more than twenty (20) feet of ground level street frontage)  
Housewares  
Household appliance repair shops  
Ice cream stores  
Interior decorating establishments  
Jewelry shops  
Kitchenware  
Lamp shops  
Leather goods or luggage stores  
Libraries, open to the public generally  
Locksmith shops  
Luggage stores  
Millinery shops  
Motion pictures or video production studio  
Museums, open to the public generally  
Music stores  
Musical instruments, repair  
Newsstands, enclosed  
Office or business machine stores, sales or rental  
Offices (only a Lobby Entrance Area not occupying more than twenty (20) feet of ground level street frontage.  
Optician or optometrist establishments  
Orthopedic stores

## APPENDIX A (continued)

Paint stores  
Parish houses  
Parks, public or private  
Party shops  
Perfume shops  
Pet shops  
Photographic developing or printing establishments  
Photographic equipment stores  
Photographic studios  
Photographic supply stores  
Photostating establishments  
Picture framing stores  
Police stations  
Post offices  
Printing establishments  
Radio appliance shop, repair or sales  
Record stores  
Recreational centers (noncommercial)  
Residences (only a Lobby Entrance Area not occupying more than twenty (20) feet of ground level street frontage.  
Sewing machine stores, selling household machines  
Shoe repair and shoeshine shops  
Shoe stores  
Sign painting shops  
Skating rinks, outdoor ice  
Sporting goods stores  
Sports shop  
Stamp stores  
Stationery stores  
Studios: music, dancing, visual arts, or theatrical  
Tailor shops, custom  
Telegraph offices, FAX, or Express Mail  
Television repair shops  
Theater  
Ticket sales  
Tobacco stores  
Tour operator  
Toy stores  
Typewriter stores  
Typewriter or other small business machine repair stores  
Variety or convenience stores  
Video or motion picture store, sale or rentals  
Wallpaper stores



## APPENDIX B to ARTICLE 44

### Definitions

For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 41-4, or the authorized agent of any such person or entity.
2. "Corner Parcel" means a parcel located at the intersection of two public streets.
3. "Curb Line" means the line of the curb or other structure or indication separating the portion of the street devoted to vehicular traffic, from the sidewalk.
4. "Ground Floor Ceiling Height" means the height of the underside of the floor structure of the second floor.
5. "Display Window Area" means that portion of the Street Wall between (i) a height of two (2) feet above the ground floor and (ii) the height of the underside of the floor structure of the second floor, or fourteen (14) feet, whichever is less.
6. "Ground Level Uses" means the uses listed in Appendix B to this article.
7. "Historic Building" means any building listed in the Boston Landmarks Commission Survey of Boston as a Category One, Category Two, Category Three, or Category Four building.
8. "Lobby Entrance Area" means the frontage at street level of the lobby of an office, residential, hotel/motel, or other structure.
9. "Leather District Plan" means the zoning regulations applicable to the Leather District and the plan for the District as evidenced by applicable development precedents and planning studies and any applicable comprehensive plan for the District, adopted by the Boston Redevelopment Authority pursuant to Chapter 652 of the Acts of 1960, Section 3 of Chapter 4 of the Ordinances of 1952, and Section 27D-18 of the code.
10. "Leather District" means the area, so entitled, depicted on Map 1G of this Code.
11. "Modal Street Wall Height" means the most frequently occurring cornice height among all the buildings on the block.
12. "Proposed Project" means the demolition, erection, reconstruction, structural alteration, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a



building or use permit. A Proposed Project may proceed in phases and may include more than one building, structure, or use.

13. "State Building Code" means the state building code and amendments and rules and regulations thereto as promulgated by the state board of building regulations under sections ninety-three, ninety-four, and ninety-five of Chapter One Hundred Forty-Three of the General Laws.
14. "Street Wall" means the portion of the exterior wall (including recesses, bays, windows, doors, and other features) of a Proposed Project that fronts on a public street (excluding public alleys) and is below the Street Wall Height, determined pursuant to Section 44-7.
15. "Street Wall Plane" means the planar surface of the Street Wall (disregarding recesses, bays, windows, doors, etc.) required pursuant to Section 44-7.
16. "Zoning Relief" means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.



